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DWCNewsline

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Division of Workers' Compensation answers questions on pre-designating a personal physician

The Division of Workers' Compensation has received questions concerning forms that must be provided to new hires, how pre-selection of a personal chiropractor or acupuncturist works and limits on pre-designation.

Labor Code section 3551 requires employers to provide new employees with information about how to obtain appropriate medical care for a job injury, the role and function of the primary treating physician, a form employees may use to notify the employer of the name of their pre-designated personal physician, as defined by Labor Code section 4600, or notice of personal chiropractor or acupuncturist, as defined by section 4601.

Employees can pre-designate their personal doctor of medicine (M.D.) or doctor of osteopathic medicine (D.O.) to treat them for a workplace injury or illness if: the employer offers group health coverage; the doctor has treated the employee in the past and has their medical records; prior to the injury the doctor agreed to treat the employee for work injuries or illnesses and; prior to the injury the employee provided the employer with notice of the pre-designation in writing, along with the doctor's name and business address. In this case, the pre-designated doctor manages the employee's care from day one of the injury or illness, regardless of whether the employee is covered under a medical provider network (MPN).

Employees may also provide notice of a personal chiropractor or acupuncturist if their medical care is not covered under an MPN. This is not the same as pre-designating a personal physician. If an employee provides written notice of a personal chiropractor or acupuncturist, including the chiropractor or acupuncturist's business address, prior to being injured or becoming ill on the job, the employee may change their treating physician to their personal chiropractor or acupuncturist following a work-related injury or illness. However, the claims administrator generally has the right to select the employee's treating physician within the first 30 days after the employer knows of the injury or illness. After the claims administrator has initiated treatment with another doctor during this period, the employee may then, upon request, have their treatment transferred to the personal chiropractor or acupuncturist, if appropriate.

The seven percent maximum limitation on the right of employees to pre-designate applies to the cumulative total of all employees in the state of California. Labor Code section 4600(d)(9) also provides that the pre-designation subdivision will remain in effect until Apr. 30, 2007, unless a later enacted statute deletes or extends that date.

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